

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:05CR331
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
JEANNETTE E. LARA,)	
)	
Defendant.)	

The Court has received the Presentence Investigation Report (“PSR”) in this case. The parties have not objected to the PSR. See Order on Sentencing Schedule, ¶ 6. The government adopted the PSR. (Filing No. 32.) The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

The plea agreement includes an agreement pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B) that the Defendant should be held responsible for between 500 grams and 1.5 kilograms of a mixture or substance containing a detectable amount of methamphetamine, which would result in base offense level 32. However, the PSR reflects a drug amount of 1,667 kilograms of marijuana, also resulting in base offense level 32. In either situation, the base level is decreased to 30 based on the Defendant’s minor role in the offense. The Court will reject the first sentence of ¶ 16 in the plea agreement; otherwise, the plea agreement will be accepted. The Court’s tentative findings are that the PSR is correct.

IT IS ORDERED:

1. The parties are notified that my tentative findings are that the PSR is correct in all respects;

2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 23rd day of January, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge